The Residential Life Conduct Process Guide

The Residential Life Conduct Process is utilized for adjudication of alleged conduct-related violations of 9-Month Housing Agreement, 12-Month Apartment Agreement or Family Housing Agreement (Agreement).

The purpose of the Residential Life Conduct Process is to help maintain a healthy community where shared values, expectations and behavioral standards set by the residence hall and apartment communities are upheld. The goal of the conduct process is to provide all residents with a fair and just system of adjudication. This Guide serves to inform residents of their rights and responsibilities within the Residential Life Conduct Process.

Residential Life staff members (Staff Member) who work with the conduct process have a major role in educating residents regarding what is expected of them as members of a civil and responsible community. Residents are expected to participate in shaping and supporting community values, norms and expectations.

All residents should read the Agreement very carefully. Residents are expected to know and observe the rules and regulations outlined in the Agreement. Residents are also expected to observe all city, state and federal laws. If anything is unclear, please contact a Residential Life Office.

For matters involving alleged violation of the Agreement, the following information outlines the Residential Life Conduct Process:

A. INVESTIGATION PROCESS

1. Information regarding alleged violation of the Agreement may be submitted by Resident Advisers, Community Assistants or other Housing & Food Services staff members, students, the University of Washington Police Department, or other constituents or agencies of the University. If it has been determined by a Staff Member that a violation may have occurred, they will commence an investigation into the matter.

2. As part of the investigation of an alleged violation, the Accused Student\(^1\) may be contacted for the purpose of arranging a meeting with a Staff Member. No special notice is required for such meetings. The Accused Student is required to attend the meeting; however, they shall not be compelled to give self-incriminating information at the meeting.

3. Investigations may include collection of any physical or electronic evidence as well as conversations with the Accused Student, the Complainant\(^2\) (if any), witnesses, staff members, or any others who may provide information related to the alleged violation.

4. As a result of the Staff Member’s investigation and/or meeting with the Accused Student,

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\(^1\) Unless otherwise indicated, all references to “Accused Student” in this document refer to the person suspected or accused of violating the Agreement.

\(^2\) Within the Residential Life Conduct Process, the term “Complainant” means any person who, directly or indirectly, submits a report to Residential Life alleging that he or she has been a victim of another resident’s misconduct that includes violence, sexual harassment, other sexual offenses as described in the Agreement. If the Administrator for Residential Life determines that an investigation should be initiated against a student, the individual who alleges that they were adversely affected by the Accused Student’s conduct may be designated as the Complainant and be offered the same opportunities to participate in the process as if the student or other person had submitted a complaint themselves. A Complainant who has been designated as anonymous retains the rights of the complainant in the proceedings.
a) the staff member may dismiss the allegation as unsubstantiated based on the preponderance of the evidence\(^3\); or

b) if the allegation has been substantiated based on the preponderance of the evidence, the Staff Member may:

i. offer the Accused Student the option to resolve the matter through the Informal Resolution Process (See Section B.); or

ii. if the Accused Student’s situation involves repeated, multiple, or serious violation of the Agreement, Residential Life may convene a Formal Hearing (See Section C) at the discretion of the Administrator for Residential Life.

c) if the Accused Student’s situation involves a Complainant, either party may request that the Administrator for Residential Life reopen the investigation and/or grant a Formal Hearing (See Section C). This decision shall be the sole discretion of the Administrator for Residential Life and the Title IX Coordinator.

5. Residential Life may take interim action when the continuing presence of the resident may pose a danger to persons or property, or poses an ongoing threat of disrupting the residential community.

B. INFORMAL RESOLUTION PROCESS

The Informal Resolution Process provides Accused Students with the ability to resolve conduct matters with a Staff Member outside of a Formal Hearing and when the terms of resolution are mutually agreed upon. Through the Informal Resolution Process:

1. The Staff Member may conclude that, based upon a preponderance of the evidence, the Accused Student violated the Agreement and offer them an Administrative Disposition or Statement of Agreed Resolution form outlining the violation(s) and corresponding sanctions. The Accused Student may choose to accept the Informal Resolution by (1) not disputing the alleged violation(s), (2) waiving the right to a Peer Review Board or Administrative Hearing, and (3) accepting the sanction(s) outlined. Decisions reached through the Informal Resolution Process are final and the right to appeal is waived based upon the Accused Student’s acceptance of the resolution.

2. The Accused Student may choose not to accept the terms of an Informal Resolution. In such situations, the Accused Student chooses to have responsibility for the violation(s) determined and, if indicated, appropriate sanctions assigned in a Formal Hearing conducted by the Peer Review Board (see Section C). If the Peer Review Board is unable to meet in a timely manner, an Administrative Hearing (see Section C) will be scheduled. Decisions rendered through the Formal Hearing process (Peer Review Board or Administrative Hearings) are subject to appeal as outlined in Section H.

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\(^3\) Preponderance of Evidence: Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; more likely than not.
C. FORMAL HEARINGS (PEER REVIEW BOARD AND ADMINISTRATIVE HEARINGS)

Peer Review Board Hearings

Peer Review Board Hearings may be convened in any of the following circumstances:

1. when an Accused Student does not accept the Informal Resolution as described in Section B;
2. when an Accused Student fails to comply with requests by University officials made within the Informal Resolution Process (e.g., failure to comply with summons letters, failure to attend conduct meetings, incomplete sanctions, etc.);
3. when an Accused Student has repeatedly violated the Agreement; or
4. when an Accused Student has allegedly committed an extremely serious Agreement violation.

The Peer Review Board (PRB) consists of volunteer student representatives and a student Chairperson presently residing in University of Washington residence hall and/or apartment communities. A PRB hearing will proceed once a quorum (at least four PRB members in addition to a PRB Chairperson) is present. PRB Hearings are closed to the public. The Accused Student represents them during a hearing. A Staff Member represents Residential Life and presents information collected during their investigation of the alleged violation(s). The purpose of a hearing is to determine, based on a preponderance of the evidence, whether violation of the Agreement has occurred. The PRB Chairperson shall have the discretion to regulate all aspects of the hearing. They shall take whatever steps are necessary to ensure that hearings are conducted in a safe and orderly manner. The Chairperson may admit evidence that reasonably prudent members of the University community would rely upon in the conduct of their affairs, and may exclude irrelevant, immaterial, and unduly repetitious evidence. Evidence not directly related to the alleged violation including, but not limited to, personal character references, is not admissible. A professional staff member from Residential Life will advise the PRB and Chairperson.

The PRB Chairperson shall be responsible for rendering a decision in writing to the Accused Student within five (5) business days after the date of the hearing. The decision shall include a brief statement of the PRB findings and, if applicable, the sanctions imposed. (Refer to Section J. for additional information pertaining to outcome notification in cases involving allegations of sexual offenses.)

Administrative Hearings

Administrative Hearings may be convened in any of the following circumstances:

1. when an Accused Student does not accept the Informal Resolution as described in Section B;
2. when an Accused Student fails to comply with requests of University officials made within the Informal Resolution Process (e.g., failure to comply with summons letters, failure to attend conduct meetings, incomplete sanctions, etc.);
3. when an Accused Student has repeatedly violated the Agreement;
4. when an Accused Student has allegedly committed an extremely serious Agreement violation; or

5. when the Peer Review Board is unavailable (e.g., during the annual Board selection and training period, final exam periods, summer, etc.).

Administrative Hearings are closed to the public. One or two full time HFS Staff Members serve as hearing officers. The Accused Student represents himself or herself during the hearing. A Staff Member represents Residential Life and presents information collected during their investigation of the alleged violation(s). The purpose of a hearing is to determine, based on a preponderance of the evidence, whether violation of the Agreement has occurred. Hearing officers shall have the discretion to regulate all aspects of the hearing. They shall take whatever steps are necessary to ensure that hearings are conducted in a safe and orderly manner. Hearing officers may admit evidence that reasonably prudent members of the University community would rely upon in the conduct of their affairs, and may exclude irrelevant, immaterial, and unduly repetitious evidence. Evidence not directly related to the alleged violation including, but not limited to, personal character references, is not admissible.

Hearing officers shall be responsible for rendering a decision in writing to the Accused Student within five (5) business days after the date of the hearing. The decision shall include a brief statement of the Staff Member’s findings and, if applicable, the sanctions imposed. (Refer to Section J. for additional information pertaining to outcome notification in cases involving allegations of sexual offenses.)

D. NOTICE OF PEER REVIEW BOARD OR ADMINISTRATIVE HEARING

A letter to the Accused Student and Complainant, if any, e-mailed and/or registered at the residence hall or apartment desk as accountable mail or hand-delivered, shall constitute full and adequate notice. The letter(s) shall:

1. notify the Accused Student and Complainant, if any, of the date, time and location of the hearing;

2. contain the name(s) of the administrator(s) appointed to act as hearing officer(s) in the case of an Administrative Hearing;

3. contain a copy of the incident report;

4. outline the specific regulation/policy/community standard the Accused Student is accused of violating;

5. contain the names of witnesses who may be called by Residential Life to testify against the Accused Student;

6. inform the Accused Student (only) that failure to appear for the hearing may result in one or more of the following:
   a. an additional allegation (for “noncompliance”);
   b. a hold on their registration;
   c. the hearing proceeding without the benefit of his or her participation.
E. ACCUSED STUDENT’S AND COMPLAINANT’S RIGHTS IN THE RESIDENTIAL LIFE HEARING PROCESS (PEER REVIEW BOARD AND ADMINISTRATIVE HEARINGS)

1. The right to written notification of the hearing.

2. The right to have an adviser of their choice present at the hearing. The adviser may not represent (speak for) the Accused Student or Complainant or directly question witnesses.

3. The right to remain silent (i.e., not to answer questions). The choice to remain silent will not be taken as an admission of responsibility. However, PRB members and hearing officers will base decisions regarding responsibility for violation(s) and sanctions, if applicable, on the information made available during the hearing, which may include information pertaining to an Accused Student’s relevant conduct history, if any.

4. The right to challenge a Peer Review Board member designated to participate in or an administrator designated to conduct the hearing (see Sections F. and G.).

5. The right to present witnesses. It is the Accused Student’s and Complainant’s responsibility to notify and bring their witnesses, and must provide a list of any witnesses to the Administrator for Residential Life no less than one business day in advance of the hearing. Witnesses will usually be present only during the time they are testifying.

6. The right to hear or receive a summary of testimony and evidence that is directly related to the incident and brought against the Accused Student. (The Complainant may be dismissed during any period in which information protected under the Family Educational Rights and Privacy Act is disclosed about the Accused Student.)

7. The right to a written statement of the outcome of the hearing (Accused Student only, except as provided for in Section J.).

8. The right to appeal (see Section H.) the decisions of the Peer Review Board or Administrative Hearing officer(s).

F. CHALLENGES TO A PEER REVIEW BOARD MEMBER

The Accused Student and/or Complainant may challenge a PRB member’s alleged lack of fairness or objectivity. Such a challenge must be presented prior to the start of the hearing (i.e., during introductions). It shall be up to the PRB Chairperson and/or the PRB Advisor to evaluate the challenge and determine whether the challenged member shall serve. If removal of a PRB member results in failure to meet quorum, the hearing will be rescheduled.

G. CHALLENGES TO AN ADMINISTRATIVE HEARING OFFICER

The Accused Student and/or Complainant may challenge a hearing officer’s alleged lack of fairness or objectivity. The challenge must:

1. be in writing;

2. state the reason for the challenge; and
3. be submitted to the Administrator for Residential Life in the Residential Life Administration Office, 305 Schmitz Hall, prior to the start of the hearing.

It shall be up to the Administrator for Residential Life or their designee to evaluate the challenge and determine whether the challenged officer shall serve or a new officer shall be appointed.

H. APPEALS

Decisions resulting from a PRB or an Administrative Hearing may be appealed by the Accused Student or the Complainant for one or more of the following purposes or grounds:

1. To determine whether the hearing was conducted fairly in light of the charges and information presented, and in reasonable conformity with the prescribed procedures outlined within this Guide. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.

2. To consider new information, likely to make a substantive difference in the outcome of the Hearing, or other relevant facts not brought out in the original hearing, because such information and/or facts were not reasonably known to the person appealing at the time of the original Hearing.

3. The sanction(s) imposed is/are substantially disproportionate to the offense (including consideration of the student's prior offenses, if any).

The appeal must be typed or written and submitted to the Administrator for Residential Life (or the Administrator’s designee) in the Residential Life Administration Office, 305 Schmitz Hall or sent via email to judicial@uw.edu, no later than 5 p.m. on the third business day following the date of the letter informing the Accused Student (and Complainant, if applicable under Section J.) of the outcome of the hearing. The requestor should include his or her specific grounds for appeal with a full explanation and any supporting documentation. It shall be up to the Administrator to determine whether the requestor has valid grounds for appeal. If valid grounds exist, another PRB or Administrative Hearing or a Sanction Review Meeting5 will be scheduled.

The requestor shall be notified within five (5) working days after the receipt of his or her written appeal whether a new hearing or Sanction Review Meeting has been granted. The requestor will be contacted for the purpose of arranging the hearing or meeting. The decisions resulting from the second hearing or meeting may constitute the approval, rejection, or modification of the decisions of the original hearing. The decisions of the second hearing or the Sanction Review Meeting are final.

Notice of appeal submitted according to the above guidelines suspends the imposition of sanctions until the appeal is decided; however, Residential Life may take interim disciplinary action when the continuing presence of the Accused Student poses a danger to persons or property, or poses an ongoing threat of disrupting the residential community.


5 In the event that a student is granted his or her appeal of a sanction or sanctions assigned through a Formal Hearing, a Sanction Review Meeting shall be convened by the originating Formal Hearing body to re-consider applicability of the sanction(s).
I. RECORDS

An Accused Student’s conduct record is retained by Residential Life as directed by the University of Washington Records Management Services. Confidentiality of records will be maintained as outlined in the Washington Administrative Code (WAC) 478–140. Residential Life periodically compiles statistical reports on various violations and sanctions; however, the reports do not reveal the identity of the individuals involved.

J. RIGHT OF NOTIFICATION

As allowed by federal law, when a student is accused of a policy violation that would constitute a “crime of violence” or forcible or nonforcible sex offense, the alleged victim/Complainant will be informed of the final results of the hearing regardless of whether or not the accused student was found responsible for the alleged violation. Such a release of information may only include the accused student’s name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct, including forcible or nonforcible sex offenses, and other offenses covered by Title IX, only, the rationale for the outcome will also be shared with all parties to the complaint in addition to the finding and sanction(s). Alleged victims of crimes of violence may request the final results of any disciplinary hearing conducted by the UW against the student who is the alleged perpetrator of the offense or crime. Any such request must be made in writing and sent or delivered to Housing & Food Services, Residential Life Administration, 305 Schmitz Hall, Campus Box 355842, Seattle, WA 98195-5842.

*Family Educational Rights and Privacy Act § 99.31(a)(14) and the Higher Education Opportunity Act § IV. 487(a)(26)

K. REVISIONS

These procedures are subject to periodic review and revision as deemed necessary by the Department of Housing & Food Services.

L. SANCTIONS

An Accused Student found to be in violation of the Agreement is subject to sanctions commensurate with the offense. More significant and/or additional sanctions may apply based on an Accused Student’s prior offenses and sanction history, if any. Sanctions may include one or more of the following:

Written Notification

Written Notification of violation consists of a letter or email communication to the Accused Student documenting a discussion between the Accused Student and a University official regarding inappropriate conduct. The Written Notification constitutes a finding of responsibility for violation of the Agreement and serves as a disciplinary warning that further violation may result in more serious disciplinary action. Any student receiving a Written Notification of violation may request a meeting with a Staff Member to dispute the finding. (This sanction is not combined with other sanctions and occurs without a meeting between the Accused Student and a staff member.)
Disciplinary Warning
The Accused Student is notified as part of a meeting or hearing that they have violated the Agreement and are subsequently informed that any further violation may result in more serious disciplinary action. (This sanction is not combined with other sanctions.)

Probation
The Accused Student’s conduct is of serious concern. Further violation may result in Administrative Transfer or Recommendation for Termination of Agreement. The length of this sanction is variable based upon the seriousness of the violation and/or the Accused Student’s conduct history. (This and subsequent sanctions may be combined with other sanctions)

Administrative Transfer
The Accused Student is required to relocate to a specified room, apartment or residence hall by a date determined by Residential Life. Administrative Transfers are generally paired with the “Loss of Privilege” sanction.

Suspended Recommendation for Termination of Agreement
The Accused Student’s conduct is such that a recommendation for termination of Agreement is warranted though the sanction is being suspended due to mitigating circumstances. In such cases, the Accused Student will be allowed to remain in University Housing on a provisional basis. Specifically, any future violation of the Agreement may result in an immediate recommendation for termination of Agreement and additional sanctions may be imposed.

Recommendation for Termination of Agreement
Due to repeated, multiple, or extremely serious violation of the Agreement, termination of Agreement is being recommended. Following a review of the recommendation, the final decision regarding termination is made by the Assistant Director of Housing & Food Services. The Accused Student will receive written notification of the decision. This sanction may be appealed outside of the Residential Life Conduct Process as outlined in a termination notification letter.

Recommendation for Informal Hearing with the Office of Community Standards and Student Conduct
This sanction may be used in the following situations:
1. If a resident has committed repeated violations or an extremely serious violation.
2. If a resident moves out of University Housing before a violation is addressed.
3. If the student committing the violation is a non-resident.

Loss of Privileges
An Accused Student’s privileges related to a specific violation are limited or withheld for a specified time. Loss of privilege may include restriction from entering specified facilities, hosting specified guests, and/or use of specified equipment while in University housing.
Restitution
The Accused Student is required to make payment to the University for damages to University or vendor property, intentional or accidental, for which they are responsible.

Educational Workshops and Programs
A variety of educational workshops and programs related to the violation for which the Accused Student has been found responsible may be assigned. Such workshops and programs include, but are not limited to, the following:

- The Alcohol Skills Training Workshop (ASTW)
- The Marijuana and Other Drugs Workshop (MOD)
- An Individual Assessment with an Alcohol and Drug Education Coordinator
- The Decision Making Workshop
- The Judicial Educator (online educational modules)
- The Community Living Workshop

Educational/Service Projects and Activities
A variety of educational and/or community service projects and activities related to the violation for which an Accused Student has been found responsible may be assigned. Such projects and activities include, but are not limited to, the following:

- Completing residence hall projects
- Abiding by Behavioral Agreements
- Developing newsletter articles
- Producing hall posters
- Meeting with University personnel
- Writing a reflective paper

N. CONTACT INFORMATION
For further information about the Residential Life Conduct Process, please call 206-543-8236.

Please note:
1. All deadlines refer to business days and exclude official University breaks and holidays.
2. Recording devices may not be used in any Residential Life conduct proceeding.

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